

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

1. Criminal Misc. No.M- 17245 of 2017(O&M)
Date of Decision: July 26 , 2017.

Akshay PETITIONER(s)

Versus

State of Haryana RESPONDENT (s)

2. Criminal Misc. No. M- 18543 of 2017(O&M).

Parveen PETITIONER(s)

Versus

State of Haryana RESPONDENT (s)

3. Criminal Misc. No. M- 19726 of 2017(O&M).

Deepak PETITIONER(s)

Versus

State of Haryana RESPONDENT (s)

4. Criminal Misc. No. M- 20518 of 2017(O&M).

Ankit PETITIONER(s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Anoop Singh Sheoran, Advocate
for the petitioners.

Mr. Anmol Malik, AAG, Haryana.

Mr. Anurag Jain, Advocate
for the complainant.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This order shall dispose of CRM No.M-17245 of 2017 (Akshay v. State of Haryana), CRM No.M-18543 of 2017 (Parveen v. State of Haryana), CRM No.M-19726 of 2017 (Deepak v. State of Haryana) and CRM No.M-20518 of 2017 (Ankit v. State of Haryana).

Prayer in the above-noted four petitions is for grant of anticipatory bail to the petitioners in FIR No.33 dated 26.03.2017 under Sections 342/363/34 IPC (the offences punishable under Sections 354B/506 IPC and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 were added later), registered at Police Station Bond Kalan, District Bhiwani.

It is submitted that the FIR was initially registered under Sections 342/363/34 IPC on the basis of a statement of the father of the alleged victim. The petitioners were released on bail.

It is on a supplementary statement of the victim recorded on 18.04.2017 that the offences punishable under Sections 354B/506 IPC and Sections 8/12 of the POCSO Act were added.

Learned counsel for the petitioners vehemently argues that the incident in question is alleged to have taken place on 24.03.2017 and the FIR in this case was lodged on 26.03.2017 after a considerable unexplained delay. Thereafter the supplementary statement of the alleged victim was recorded on 18.04.2017. The victim, even in her statement under Section 164 Cr.P.C. recorded on 26.03.2017 itself, did not raise the allegations as sought to be

raised in the supplementary statement recorded on 18.04.2017. The petitioners are not even named in the statement recorded under Section 164 Cr.P.C. There is no reason, whatsoever, as to why the version given in the supplementary statement was not brought to the notice of the court at the very outset, especially keeping in view the averment in the FIR that the delay in lodging the report occurred as the matter was being discussed in the Panchayat. Moreover the petitioners, it is submitted, are not involved in any other criminal case. They have joined investigation pursuant to interim orders passed by this Court. Therefore, these petitions be allowed.

Learned counsel for the complainant vehemently opposes these petitions. It is submitted that there are specific allegations raised against all the petitioners. However, it is not denied that the allegations raised in the supplementary statement of the victim recorded on 18.04.2017 do not find mention either in the FIR or the statement under Section 164 Cr.P.C. suffered by the victim.

Learned counsel for the State, on instructions from ASI Joginder Singh, verifies that the petitioners have joined investigation and their custodial interrogation, it is submitted, is not required. No recovery is to be effected from them. It is further verified that none of the petitioners are involved in any other criminal case.

There are no allegations on behalf of the State that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, all the

petitions are allowed. Consequently, order dated 18.05.2017 in CRM No.M-17245 of 2017, order dated 22.05.2017 in CRM No.M-18543 of 2017, order dated 31.05.2017 in CRM No.M-19726 of 2017 and order dated 01.06.2017 in CRM No.M-20518 of 2017 are made absolute.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

July 26 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No